

### REMARKS

Concurrently filed herewith is a Petition Under 37 CFR §1.181 That a Complete Response Be Provided in Accordance with MPEP §707.07(f).

Entry into the record of this Request for Reconsideration Under 37 CFR §1.116 is proper, since no claim amendments or new issues are raised, and the Examiner is required to clarify the record prior to proceeding to Appeal. In addition to the information requested by Applicants in the previous response that the Examiner provide specific component(s) that satisfy the claimed description, Applicants also request that the Examiner clarify and/or correct the cited location in Humphrey in the final paragraph of page 2 of the Office Action, since the cited location (lines 12-22 of col. 6) in Humphrey points to the DESCRIPTION OF THE FIGURES section of that reference.

Applicants concurrently file herewith a Petition for a Complete Response to Applicants' previous response in order to compel the USPTO to provide a reasonable response to specifically identify a component in the prior art that satisfies the claim language. Such complete response is required under MPEP §707.07(f). Applicants are unable to continue prosecution, including an Appeal, until the Examiner provides an explanation as to how one of ordinary skill in the art could possibly agree with the Examiner's analysis of the prior art reference, when no identification of a specific component in the primary reference is even suggested by the Examiner in the rejection currently of record, and as requested in Applicants' previous response.

Without such specific component identification, this reference clearly fails to satisfy the description of the claimed invention, as further explained below.

Claims 1-21 and 24-33, all of the claims presently pending in the application, stand rejected on prior art grounds.

It is noted that Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-8, 10-24, and 26-31 stand rejected under 35 USC §102(e) as anticipated by US Patent 6,434,609 to Humphrey. Claims 9 and 25 stand rejected under 35 USC §103(a) as unpatentable over Humphrey, further in view of US Patent 6,598,071 to S/N 09/916,513  
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Hayashi et al. Claims 32 and 33 stand rejected under 35 USC §103(a) as unpatentable over Humphrey, further in view of Applicants' Admitted Prior Art.

These rejections based on Humphrey are respectfully traversed in view of the following discussion.

## **I. THE CLAIMED INVENTION**

Applicants' invention, as disclosed and claimed in independent claim 1, is directed to a method in a computer network of controlling an admittance of requests to at least one processing component. The amount of network traffic is evaluated to determine if the amount exceeds a preset threshold.

If the preset threshold is exceeded, the content of each request is differentiated in to types and the request is admitted only if the differentiated type meets at least one criterion for admission.

The conventional method discussed on pages 1-4 of the specification makes no differentiation of requests based upon a content of the request. Moreover, the current content throttler presented as prior art does not first evaluate network traffic to determine whether the content-based throttling should be invoked.

## **II. THE PRIOR ART REJECTIONS**

The Examiner alleges that Humphrey anticipates the present invention as defined by claims 1-8, 10-24, and 26-31 and, when modified by at least one of Hayashi or AAPA, renders obvious claims 9, 25, 32, and 33.

Applicants respectfully disagree and request that the Examiner clarify the rejection currently of record in preparation for Appeal. As Applicants identified in their previous response, the Examiner fails to identify any specific component in Humphrey that satisfies the plain meaning of the language of the claims and attempts, instead, to take words out-of-context of the specific architecture defined in Humphrey.

Therefore, Applicants again submit that the rejection currently of record fails to meet the initial burden of a prima facie rejection by this failure to identify specific component(s) in Humphrey that satisfy the plain meaning of the claim language.

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More specifically, Applicants submit that Humphrey is directed to an entirely different concept of providing a threshold detector for converting into a satellite distribution mode when the client site caches detect sufficient user interest in information content and that, because of this different purpose, the plain meaning of the claim language of the independent claims is clearly not satisfied. To achieve this purpose, Humphrey teaches a system of detecting cache misses for repetitively requested information. If sufficient cache misses are directed to the same information, then the system shifts into the satellite distribution mode, wherein the highly-sought information is rapidly distributed via satellite to the caches distributed throughout the system.

This architecture and problem are entirely different from the claimed invention and Humphrey cannot reasonably be described as satisfying the claim language, unless the Examiner has some unwritten interpretation of Humphrey that Applicants now demand be placed on record, by way of petition and the comments below, so that prosecution can continue in an expeditious manner.

More specifically, relative to independent claims 1, 20, 26, and 30, the Examiner points to the following locations in Humphrey: Figure 1, lines 12-22 and 31-39 of column 6, and lines 12-22 of column 9.

In order to satisfy the plain meaning of, for example, claim 1, the Examiner has the initial burden of identifying a specific "processing component" in Humphrey to which is controlled "an admittance of requests." The only component in Humphrey that is described as receiving requests is the "information source" (label 14 in Figure 1, label 30 in Figure 2). There is clearly no mechanism in Humphrey that denies admittance of these requests to the information source 14,30, let alone denying admittance in the manner described in the claims.

Indeed, the purpose of this reference is not the denial of admittance of requests to this information source, but rather the rapid distribution of the information being repetitively requested, when such repetitive information is not currently available in the network caches. This condition is detected by monitoring the network cache misses and determining whether information is currently highly demanded but not currently stored in the network caches so as to preclude the cache misses.

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Therefore, until the Examiner places on record the specific component in Humphrey that satisfies the specific description of the independent claims, the Examiner's initial burden has not been met.

The Examiner relies upon the description at lines 31-39 of column 6 and lines 12-22 of column 9 of Humphrey. However, Applicants have already explained how this mechanism differs from that described in the independent claim.

Specifically, as explained in the previous response, in the description at lines 12-22 of column 9, although there is arguably a threshold detection based on amount of traffic, it serves a different purpose and does not function as described in the claims. The "traffic" in Humphrey relates to information being requested repetitively by different users. These repetitive requests are not described in Humphrey as ever being denied admittance into a "processing component", as required by the claim language.

The Examiner alleges in the first paragraph on page 3 of the Office Action that the final claim limitation ("admitting said each request only if said differentiated type meets at least one criterion for admission") is satisfied in the description at lines 12-22 of column 9 by reason of the sentence at lines 19-22: *"If the rate of the requests for information does not exceed the predetermined threshold, the system may pass the request for information to the next rule 114."*

However, Applicants submit that, to one having ordinary skill in the art, this description has nothing whatsoever to do with "admitting each request only if ...."

That is, in Humphrey the repetitive requests are still being admitted to the information source 14,30 regardless of this analysis in lines 12-22 of the cache miss information (which measures the repetitive information requests not being satisfied by the caches). The intent in Humphrey is to have these requests satisfied by the network caches, rather than being forwarded to the information source 14,30 through the network. This construct is entirely different from denying admittance of requests into information source 14, 30 as decided upon having determined a type of request that is based on content of the request.

Moreover, contrary to the Examiner's characterization, the "different rules" have nothing whatsoever to do with different types of content of the requests: it relates to the

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different rules of demand for the repetitive information, such as whether there is a global demand even though the rate of requests does not reach the first threshold (lines 23-26), whether localized demand exceeds a threshold even though the global demand threshold is not exceeded (lines 35-37), or whether the information distribution has been manually commanded (lines 57-58), to be used to decide whether to distribute the high-demand information via satellite to the network caches, in order to reduce internet traffic.

These different rules are in no manner related to “differentiated request types” and do not stop admission of the requests into a “processing component”, let alone stop admission by having categorized each request as being one of different request types. At most, the different rules initiate the satellite distribution mode, which, in turn, allows the repetitive information requests to be satisfied by the network caches. Although it might be argued that all the individual requests for repetitive information no longer arrive at the information source 30, the mechanism is different than denying admission into the information source by using the mechanism described in the independent claims.

Again, Applicants request that the Examiner place on record the specific component in Humphrey to which specific requests are no longer admitted because:

- (1) network traffic exceeds a predetermined threshold;
- (2) each specific request denied entry is denied such entry because its content has been determined to be a type of request for which entry is denied during such traffic amount; and
- (3) each specific request allowed to be admitted is admitted because its content has been determined to be a type of request for which entry is still permitted during such traffic amount.

Without such specific component identified in Humphrey, the rejection currently of record clearly fails to meet the Examiner’s initial burden. That is, taking Figure 2 of Humphrey as an example, this reference nowhere describes that admission of requests are denied to any of the components (e.g., information source 30, internet 22, master cache 21, satellite uplink transmitter 23, satellite 24, satellite receiver 26, cache adapter 27, cache 28, cache storage device 29, or customer 31), let alone denied in the manner described in the independent claims.

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Hence, turning to the clear language of the claims, in Humphrey there is no teaching or suggestion of: “... controlling an admittance of requests to at least one processing component ... if said amount exceeds said threshold, differentiating a type of said requests based on a content in each said request; and admitting said each request only if said differentiated type meets at least one criterion for admission”, as required by claim 1. The remaining independent claims have similar language.

Therefore, the claimed invention is clearly patentable over Humphrey.

Moreover, relative to the rejection currently of record for the remaining claims, Applicants again submit that there are at least the following deficiencies.

Relative to claim 2, as best understood, the Examiner is relying upon lines 64-65 of column 7: “*The cache adapter 27 responds negatively to the request notifying the cache 28 to search elsewhere.*” Applicants submit that, to one of ordinary skill in the art, this statement is quite different from the plain meaning of the claim language that a message be returned to each sender of a refused request.

Relative to claim 3, Applicants submit that, without a reasonably meaningful differentiation of types of requests in Humphrey, the current rejection makes little sense.

Relative to claims 4 and 5, Applicants submit that the Examiner has not met the initial burden of positively identifying what is being considered as an “entry point” in the system in Humphrey. As best understood, the Examiner seems to be attempting to use entry into the Internet service provider’s cache 25 shown in Figure 2. However, it is noted that the decision in Humphrey would be better characterized as occurring in the Internet cache 15 shown in Figure 1.

Relative to claim 10, Applicants submit that, since the method of Humphrey does not have “types of requests based on content of the request”, there is no further refinement. The prioritization of outputs described at lines 1-6 of column 10 is a different concept.

Relative to claims 11, 12, and 14, Applicants request that the Examiner positively identify the processing component considered as being the “dependee” processing component and how the load for that dependee component is determined in Humphrey.

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Relative to claim 15, Applicants request that the Examiner identify specifically which of the cited lines discuss a "user defined response".

Relative to claim 17, Applicants submit that the description at the cited lines refer to information not being stored, not to availability of a processing component.

Relative to claim 18, Applicants request that the Examiner positively identify the "target processing component".

Relative to claim 19, although broadcasting might be characterized as a distribution of information, this description does not match the plain meaning of the claim language.

### III. FORMAL MATTERS AND CONCLUSION

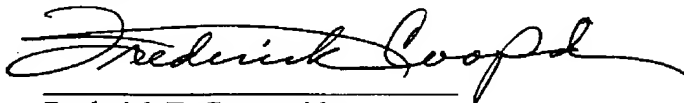
In view of the foregoing, Applicant submits that claims 1-21 and 24-33, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: 11/1/05



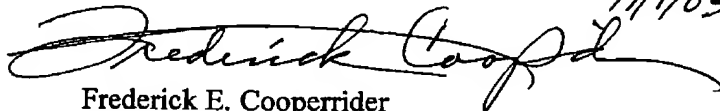
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CERTIFICATION OF TRANSMISSION

I certify that I transmitted, via facsimile to (571) 273-8300, this Request for Reconsideration Under 37 CFR §1.116 to Examiner K. Huynh on November 1, 2005.

 11/1/05  
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